

**Case No. BKY 04-43862**

## 1. Payments by Debtor

- ## 2. Payments by Trustee

### 3. Priority Claims

#### 4. Long-Term Secured Claims not in Default

## 5. Home Mortgages in Default (Sec. 1322(b)(5))

**Regardless of statement above, no interest is to be paid.**

#### 6. Other Long-Term Secured Claims in Default (Sec. 1332(b)(5))

<i>Creditor</i>	<i>Amt. of Default</i>	<i>Monthly Amt.</i>	<i>Beg. Mon. #</i>	<i>No. of payments</i>	<i>TOTAL PAYMENT</i>
a.					
TOTAL					\$0.00

## 7. Other Secured Claims Sec. 1325(a)(5)

The Trustee will make payments to the following unsecured creditors having a value of confirmation equal to the allowed amount of the creditor's secured claim using a discount rate of 8 percent. The creditor's allowed secured claim shall be the creditor's allowed claim or the value of the creditor's interest in the debtor's property, whichever is less. The creditors shall retain their lien. NOTE:

NOTWITHSTANDING A CREDITOR'S PROOF-OF-CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 USC Sec. 1327 AND CONFIRMATION OF THE PLAN WILL BE CONSIDERED A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM UNDER 11 USC Sec 506(a).

<i>Creditor</i>	<i>Claim Amount</i>	<i>Secured Claim</i>	<i>Monthly Amt.</i>	<i>Beg. Mon.</i>	<i>No. of payments</i>	<i>TOTAL PAYMENT</i>
a. Ford Motor Credit Co.	\$6,700.00	\$6,500.00	\$589.00	2	11	\$6729.00
b. Wells Fargo Financial	\$1100.00	\$1200.00	\$589.00	11	2	\$1162.00
TOTAL						\$7891.00

Trustee will pay amount of secured claim filed with interest on the secured amount at 6% if less than scheduled above.

## 8. Separate Class of Unsecured Creditors

In addition to the class of unsecured creditors specified in paragraph 9, there shall be a separate class of nonpriority unsecured creditors described as follows:

- The debtor estimates that the total claims in this class are
- The Trustee shall pay this class \$0.00

## 9. Timely Filed Unsecured Creditors

The Trustee will pay holders of nonpriority unsecured claims for which Proofs-of-Claim forms were timely filed the balance of all payments received by the Trustee and not paid under paragraphs 2, 3, 5, 6, 7, and 8 their pro rata share of approximately \$17,300.00 (line 1d minus lines 2, 3e, 5d, 6d, 7h, and 8b).

- The debtor estimates that the total unsecured claims held by creditors listed in paragraph 7 are \$200.00
- The debtor estimates that the debtor's total unsecured claims (excluding those in paragraphs 7 and 8 are \$35,694.00
- The total estimated unsecured claims are \$37,694.00 (line 9a + line 9b)

## 10. Tardily filed Unsecured Creditors

All money paid by the Debtor to the Trustee under paragraph 1, but not distributed by the Trustee under paragraphs 2,3,5,6,7,8 and 9 shall be paid to holders of nonpriority claims for which Proof-of-Claim forms were tardily filed.

## 11. Other Provisions

The Trustee can disburse any funds not specifically designed for a creditor at his discretion.

Upon completion of payment of the secured position of any claim, the property securing said claim shall vest in the debtor free and clear of any lien, claim or interest of the secured creditor.

No provision for secured claim of Snap On Tools.

## 12. Summary of Payments

Trustee's Fee (Section 2 Total)	\$3109.00
Priority Claims (Section 3 Total)	\$1250.00
Home Mortgage Defaults (Section 5 Total)	\$4650.00
Long-Term Debt Defaults (Section 6 Total)	\$0.00
Other Secured Claims (Section 7 Total)	\$7891.00
Separate Class (Section 8 Total)	\$0.00
Unsecured Creditors (Section 9 Total)	\$17300.00
TOTAL (must equal line 1d)	\$34200.00

Dated August 04, 2004

PRESCOTT AND PEARSON P.A.

Jeffrey M Bruzek #319260

443 Old Highway 8, Suite 208

P.O. Box 120088

New Brighton, Minnesota 55112

(651) 633-2757

/s/ Michael J. Howe

Signature of Debtor

/s/ Tammy J. Howe

Signature of Joint Debtor (if any)

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In re:

HOWE, MICHAEL J.  
HOWE, TAMMY J.

BKY No. 04-43862  
Chapter 13

Debtor(s)

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**NOTICE OF HEARING TO APPROVE MODIFIED PLAN**

TO: The debtor(s); US Trustee; Chapter 13 Trustee; and creditors and parties in interest.

1. The debtor(s), by the undersigned attorney, moves the court for approval of the modified plan dated August 2, 2004.
2. The court will hold a hearing on this motion at 10:00 a.m. on September 16, 2004 in Courtroom No. 8W, U.S. Bankruptcy Court, U.S. Courthouse, 300 S. Fourth St., Minneapolis, MN 55415.
3. Any objection to this amended plan must be filed and delivered no later than 10:00 a.m. on September 10, 2004, which is 5 days before the time set for the hearing, or filed and served no later than September 18, 2004, which is 8 days before the date set for the hearing.
4. This court has jurisdiction over this motion pursuant to 28 U.S.C. Sec 157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. The petition commencing this Chapter 13 case was filed July 13, 2004. This case is now pending in this court.
5. The plan is being modified to provide for payment to Wells Fargo Financial as a secured creditor.

Dated: August 4, 2004

**Prescott & Pearson, P.A.**

/s/ Richard J. Pearson

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Jack L. Prescott #88079  
Richard J. Pearson #130308  
Attorneys for Debtor  
443 Old Highway Eight #208  
New Brighton, MN 55112-008  
Telephone: (651) 633-2757

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## VERIFICATION

Michael J. Howe and Tammy J. Howe, the Debtor(s) named in the Motion, declare(s) under penalty of perjury that the information therein contained is correct to the best of our knowledge, information and belief.

Dated: 8/9/04, 2004

Signed: Michael J. Howe  
Michael J. Howe

Signed: Tammy J. Howe  
Tammy J. Howe

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In re:

HOWE, MICHAEL J.  
HOWE, TAMMY J.

BKY N. 04-43862  
Chapter 13

Debtor(s)

**UNSWORN DECLARATION  
OF SERVICE**

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Lindy Voss, an employee at Prescott & Pearson, P.A., a law firm licensed to practice law in this court, with offices at 443 Eighth Avenue Northwest, New Brighton, Minnesota 55112, declares that on August 4, 2004, she served the annexed NOTICE OF HEARING TO APPROVE MODIFIED CHAPTER 13 PLAN and MODIFIED CHAPTER 13 PLAN, upon each of the entities listed below or on the attached sheet by mailing to each of them a copy thereof by enclosing same in an envelope with first class postage prepaid and depositing same in the post office at New Brighton, Minnesota, addressed to each of them as listed.

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SEE ATTACHED LIST

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And he declares under penalty of perjury that the foregoing is true and correct.

Dated: August 13, 2004

/s/ Lindy Voss

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Lindy Voss

MICHAEL AND TAMMY HOWE  
15525 79th ST NE  
OTSEGO MN 55330

HOUSEHOLD FINANCE  
PO BOX 4153-K  
CAROL STREAM IL 60197-4153

US TRUSTEE OFFICE  
1015 US COURTHOUSE  
300 SO FOURTH ST  
MPLS MN 55415

KOHL'S  
PO BOX 3004  
MILWAUKEE WI 53201-3004

CHAPTER 13 TRUSTEE  
PO BOX 519  
BARNESVILLE MN 56514

MASTERCARD  
SEARS  
PO BOX 105486  
ATLANTA GA 30348-5486

AURORA LANE SVCS  
PO BOX  
1706  
SCOTTSDALE NE 69363-1706

MC FASCHING MD  
2805 CAMPUS DR STE 335  
PLYMOUTH MN 55441

DAIMLERCHRYSLER  
ATN JACK HEAP  
400 HORSHAM RD  
HORSHAM PA 19044

ROSSO AND SEIERSTAD PA  
PO BOX 130668  
ST PAUL MN 55113-0006

FORD MOTOR CRED TOC  
3600 MINNESOTA DR STE 750  
MPLS MN 55435

US BANK  
ATTN BKY DEPT  
PO BOX 5229  
CINCINNATI OH 45201

SNAP ON TOOLS  
2801 80th ST  
KANOSHA WI 53140

WELLS FARGO BANK  
PO BOX 10438  
DES MOINES IA 50306

WELLS FARGO FINANCIAL  
RE: SLUMBERLAND  
PO BOX 98796  
LAS VEGAS NV 89193-8796

DELL COMPUTER  
PO BOX 6403  
CAROL STREAM IL

DISCOVER CARD SVC  
ATTN COLLECTION DEPT  
PO BOX 8003  
HILLIARD OH 43026

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re: HOWE, MICHAEL J.  
HOWE, TAMMY J.

SIGNATURE DECLARATION

Debtor(s).

Case No. 04-43862

- ☐ PETITION, SCHEDULES & STATEMENTS  
☐ CHAPTER 13 PLAN  
☐ SCHEDULES & STATEMENTS ACCOMPANYING VERIFIED CONVERSION  
☐ AMENDMENT TO PETITION, SCHEDULES & STATEMENTS  
☒ MODIFIED CHAPTER 13 PLAN  
☐ OTHER(Please describe)

I [We], the undersigned debtor(s) or authorized representative of the debtor, make the following declarations under penalty of perjury:

- The information I have given my attorney and provided in the electronically Filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
- The information provided in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case is true and correct;
- **[individual debtors only]** If no Social Security Number is included in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case, it is because I do not have a Social Security Number;
- I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration and the completed "Debtor Information Pages," if applicable; and
- **[corporate and partnership debtors only]** I have been authorized to file this petition on behalf of the debtor.

Date: 8/2/04, 2004

Michael J. Howe  
Signature of Debtor or Authorized Individual

Michael J. Howe  
Michael J. Howe  
Printed Name of Debtor or Authorized Individual

Tammy J. Howe  
Signature of Joint Debtor

Tammy J. Howe  
Tammy J. Howe  
Printed Name of Joint Debtor